

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUIE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.

Defendants

Case No.: 3:73-cv-127-ECR

RAM In Equity: C-125-B

**NOTICE OF CHANGE OF OWNERSHIP
OF WATER RIGHT**

The undersigned, Sullivan Plastics Corporation, counter-defendant in the above action, hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a part of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

O'Sullivan Plastics Corporation; and
Mainline Vinyl Sheeting Corporation
c/o PolyOne
Attn: Woodrow Ban
33587 Walker Road
Avon Lake, OH 44012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The name and address of each person or entity who acquired ownership:

J.R. Benton Co., L.L.C.
2171 Alabama Highway 229
Tallasse, Alabama 36078

3. Attached as Exhibit A to or include with this notice is a copy of the Deed transferring the ownership of land.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing.

*

* This notice shall be sent to the following persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
Reno, NV 89501

And

Susan L. Schneider
United States Department of Justice
Post Office Box 756
Littleton, CO 80160

1 Consequently, the undersigned acknowledges that any person or entity who files such a notice, but
2 retains such water rights, shall nevertheless, be bound by the results of this litigation.

3 Executed this 25th day of October, 2006.
4
5

6 LEWIS BRISBOIS BISGAARD & SMITH

7 
8

9 By: _____

10 MALISSA HATHAWAY MCKEITH
11 Counsel for O'Sullivan Plastics Corporation
12 Mainline Vinyl Shipping
13 221 North Figueroa Street, 12th Floor
14 Los Angeles, CA 90012
15 (213) 250-1800
16
17
18
19
20
21
22
23
24
25
26
27
28

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

A. P. No. 4-031-01, 4-031-04,
14-081-09

R.P.T.T. \$5,265.00

No. 182212-MM

When recorded mail to:

J.R. Benton Co., LLC
2171 Alabama Hwy 229
Tallassee, AL 36078

TSK-29401

Mail tax statements to:

Same as above

DOC # 371594
Conformed Copy

(Not Compared to Original)

12/27/2005

04:22 PM

Official Record

Requested By

TITLE SERVICE & ESCROW

Lyon County - NV

Mary C. Milligan - Recorder

DEED

THIS INDENTURE WITNESSETH: That O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation, successor to MAINLINE VINYL SHEETING CORPORATION, by Certificate of Name Change filed in the Office of the Secretary of State of the State of Nevada on January 7, 1985 (as to Parcel A), and O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation (as to Parcels B and C) (collectively, "Grantor"), in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey, without covenants or warranties express or implied, except as hereinafter expressly set forth, to J. R. BENTON CO., L.L.C., an Alabama limited liability company ("Grantee"), whose address is: 2171 Alabama Highway 229, Tallassee, Alabama 36078, all that real

property situate in the County of Lyon, State of Nevada,
described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining.

Grantor covenants with Grantee, that Grantor has done
nothing to impair such title as Grantor received, and Grantor
will warrant and defend the title against the lawful claims of
all persons claiming by, under or through Grantor, except for
the following:

1. zoning ordinances and building codes and regulations,
if any;
2. real estate taxes and assessments, both general and
special, not yet due and payable; and
3. all restrictions, reservations, easements and
encumbrances or other matters of record.

FURTHER, Grantor, in consideration of the sum of Ten
Dollars (\$10.00), the receipt of which is hereby acknowledged,
does hereby remise, release and forever quitclaim to Grantee,
its successors and assigns, the following:

LEGAL DESCRIPTION

Parcel #A:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel No. 1:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel No. 1 of that certain parcel map filed for record in the Office of the Lyon County Recorder, Lyon County, Nevada, as Official Record No. 59232 on the 18th day of March 1981.

Parcel No. 2:

A parcel of land situated in the southeast quarter of the southeast quarter of Section 21, Township 15 North, Range 25 East, M.D.M., County of Lyon, State of Nevada, described as follows:

Beginning at a point in the East line of said Section 21 distant North 0°35'20" East, along said East line, 457.38 feet from the southeast corner of said section, also being distant northerly 100 feet from the center line of the main track of Southern Pacific Transportation Company (Mina Branch); thence North 72°12'53" West, parallel with said center line, 289.23 feet to a point in the easterly line of land (15 feet wide) described in "Parcel 1" of Deed dated September 22, 1968, from Southern Pacific Company to State of Nevada (U.S. #95 Alternate); in the North 7°14'43" West, along last said easterly line, 781.22 feet to a point in the North line of said southeast quarter of the southeast quarter; thence South 89°50'18" East, along last said North line, 382.80 feet to a point in the said East line of said section; thence South 0°35'20" East, along last said East line, 862.29 feet to the point of beginning.

Excepting therefrom that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property.

Parcel No. 3:

All those certain parcels of land situate in Section 22, Township 15 North, Range 25 East, M.D.B.&M., in Mason Valley, Lyon County, Nevada, more particularly described as follows:

Lots 8, 9 and 10 of Block 8 of the Dyer Addition to the Town of Wabuska, Lyon County, Nevada, according to the Official Plat thereof on file in the office of the Lyon County Recorder, Lyon County, Nevada.

Parcel No. 4:

Lot 1 in Block 7, as shown on the Map of Dyer's Addition to the Town of Wabuska, recorded in Lyon County, Nevada, as Document No. 8192.

All parcels as described do include all those portions of streets as originally shown on the plat of the Dyer Addition to the town of Wabuska, and subsequently abandoned by the Board of Lyon County commissioners, as evidenced by Order, recorded in the Official Records of Lyon County, Nevada, on May 25, 1983 as Document No. 76110, and Order recorded in the Official Records of Lyon County, Nevada on January 11, 1982 as Document No. 65577.

Parcel #B:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map for Robert A. Kuenzli recorded in the Official Records of Lyon County, Nevada on March 18, 1981 as Document No. 59232.

Parcel #C:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

T 15 N, R 25 E, M.D.B.&M.

Section 22: SW 1/4 of SE 1/4 of SW 1/4

Permit No. 61207 Certificate No. 14927 Book 43 Page 14927

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Robert O. Harris, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through a drilled well, pump, and distribution system for industrial and domestic purposes. The point of diversion of water from the source is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.18N., R.75E., S.25E., M.D.B. 2M., on at a point from which the SW corner of said Section 22 bears S. 75° 41' 25" W., a distance of 770.95 feet situated in Lyon County, State of Nevada.

Now known YE, That the State Engineer, under the provisions of NRS 532-425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: O'Sullivan Plastics Corporation
Source: Underground
Manner of Use: Industrial and Domestic
Amount of appropriation: ± 0.88 c.f.s., but not to exceed 2.94 million gallons annually
Period of use: January 1st to December 31st of each year

Date of priority of appropriation: May 4, 1955

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 295 feet deep, 12 3/4 inch diameter casing, via a 5 H.P. submersible pump, thence through a distribution system to a manufacturing plant of plastic pipe located within a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, and a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T.18N., R.75E., S.25E., M.D.B. 2M.

The total combined duty of water under this certificate and any certificates issued under permit 61207, shall not exceed 2.94 million gallons annually.

This certificate is issued subject to the terms of the permit

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of April, A.D. 1955.


State Engineer

Exhibit B

Permit No. 61206 Certificate No. 14928 Page 14928

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Robert O. Nardis, Agent has presented to the State Engineer of the State of Nevada proof of application of water to beneficial use, from an underground source through a drilled well, pump, and distribution system for industrial and domestic purposes. The point of diversion of water from the source is as follows:

S.W. 1/4 Section 22, T.15N., R.25E., N.D. 2. 40' or at a point from which the SW corner of said Section 22 bears S. 14°07'40" W., a distance of 725.22 feet situated in Lyon County, State of Nevada.

NOW KNOW YE, THAT the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	O'Sullivan Plastics Corporation
Source:	Underground
Manner of Use:	Industrial and Domestic
Amount of appropriation:	*0.10 c.f.s., but not to exceed 1.92 million gallons annually
Period of use:	January 1st to December 31st of each year
Date of priority of appropriation:	May 5, 1954

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 120 feet deep, 10 inch diameter casing, via a 5 H.P. submersible pump, thence through a distribution system to a manufacturing plant of plastic pipe located within a portion of the S.W. 1/4 of Section 22, T.15N., R.25E., N.D. 2. 40'.

The total combined flow of water under this certificate and any certificate issued under Permit 61207, shall not exceed 1.92 million gallons annually.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNER, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of April, A.D. 1954.


State Engineer

cms/sb

Exhibit C

CERTIFICATE OF MAILING

I certify that I am an employee of Lewis Brisbois Bisgaard & Smith and that on this 3rd day of November, 2006, I electronically filed the foregoing *Notice of Change of Ownership of Water Right* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their e-mail addresses:

Marta A. Adams maadams@ag.state.nv.us, payoung@ag.state.nv.us

Gregory W. Addington greg.addington@usdoj.gov, judy.farmer@usdoj.gov;
joanie.silvershield@usdoj.gov

George N. Benesch gbenesch@sbcglobal.net,

Linda A. Bowman office@bowman.reno.nv.us, office@webmail.hotspotbroadband.com

Louis Martin Bubala , III lbubala@jonesvargas.com

Gordon H. DePaoli gdepauli@woodburnandwedge.com

Dale E Ferguson dferguson@woodburnandwedge.com

Andrew Galvin drew.galvin@americantower.com

Sylvia L! . Harrison sharrison@mcdonaldcarano.com

Simeon Herskovits herskovits@westernlaw.org

John W Howard johnh@jwhowardattorneys.com, elisam@jwhowardattorneys.com

Michael D Hoy mhoy@nevadalaw.com, cstewart@nevadalaw.com;
tchrissinger@nevadalaw.com; service@nevadalaw.com

Kirk C. Johnson kirk@nvlawyers.com, chris@nvlawyers.com

Michael F. Mackedon falonlaw@phonewave.net

Erin K.L. Mahaney emahaney@waterboards.ca.gov

Michael R. Montero ! mrm@eloreno.com, l! watson@eloreno.com; lwalker@eloreno.com

Marvin W. Murphy marvinmurphy@sbcglobal.net

David L. Negri david.negri@usdoj.gov

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

- 1 Michael Neville michael.neville@doj.ca.gov, wallace.greene@doj.ca.gov
- 2 Michael A. Pagni mpagni@mcdonaldcarano.com, spierallini@mcdonaldcarano.com,
3 dshosteck@mcdonaldcarano.com
- 4 G. David Robertson gdavid@nvlawyers.com, chris@nvlawyers.com; kirk@nvlawyers.com
- 5 Susan L. Schneider susan.schneider@usdoj.gov
- 6 Laura A Schroeder counsel@water-law.com, Katherine@water-law.com; tau@water-law.com
- 7 Sheri M. Schwartz ! ajarvis@lbbslaw.com
- 8 Debbie Shosteck dshosteck@mcdonaldcarano.com, smelendez@mcdonaldcarano.com
- 9 Stacey Simon ssimon@mono.ca.gov
- 10 James L Spoo spootoo@aol.com
- 11 Bryan L Stockton blstockt@ag.state.nv.us, payoung@ag.state.nv.us
- 12 J. D. Sullivan jd@mindenlaw.com, gene_kaufmann@hotmail.com,
13 attyjoesullivan@hotmail.com, awoods@mindenlaw.com
- 14 Wes Williams wwilliams@stanfordalumni.org
- 15 Charles S Zumpft zumpft@brooke-shaw.com
- 16 Ross E. de Lipkau RdeLipkau@parsonsbehle.com, rtinnell@parsonsbehle.com
- 17
- 18
- 19 And I further certify that I served a copy of the foregoing to the following non-CM/ECF
- 20 participants by U.S. Mail, postage prepaid, this 25th day of October, 2006:
- 21
- 22 Brian Chally
23 Douglas County District Attorney's Office
24 P.O. Box 218
1625 8th Street
Minden, NV 89423-
- 25
- 26 William J. Duffy
27 Davis Graham & Stubbs LLP
1550 17th Street
Suite 500
Denver, CO 80202
- 28

- 1 Cheri K Emm-Smith
PO Box 1210
- 2 Hawthorne, NV 89415
- 3 Daniel N. Frink
California Water Resources Control Board
- 4 P.O. Box 100
Sacramento, CA 94814-
- 5 Nathan Goedde
California Department of Fish and Game
- 6 1416 9th Street Ste 1335
Sacramento, CA 95814
- 7
- 8 Mary Hackenbracht
California Attorney General's Office
- 9 1300 I Street, Suite 1101
PO Box 944255
- 10 Sacramento, CA 94244-2550
- 11 Robert L. Hunter
! Western Nevada Agency
- 12 311 East Washington Street
Carson City, NV 78701-4065
- 13 George M. Keele
George M. Keele, APC
- 14 1692 Country Road
Suite A
- 15 Minden, NV 89423-
- 16 John Kramer
Department of Water Resources
- 17 1416 Ninth Street
Sacramento, CA 95814-
- 18
- 19 David Moser
McCutchen, Doyle, Brown, Et Al.
- 20 Three Embarcadero Center,
Suite 1800
- 21 San Francisco, CA 94111-
- 22 Stephen B Rye
Lyon Count District Attorney
- 23 31 South Main Street
Yerington, NV 89447-
- 24
- 25
- 26
- 27
- 28

LEWIS BRISBOIS BISGAARD & SMITH LLP

221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

- 1 John P Schlegelmilch
Lyon County District Attorney's Office
- 2 31 South Main Street
Yerington, NV 89447-
- 3
- 4 William J Shaw
Brooke & Shaw, Ltd.
1590 Fourth Street
- 5 P.O. Box 2860Minden, NV 89423-
- 6 Gary A Sheerin !
Gary A. Sheerin, Law Office of
- 7 177 W Proctor Street
Suite B
- 8 Carson City, NV 89703
- 9 Garry Stone
Water Master
- 10 290 South Arlington Ave
Reno, NV 89501-
- 11
- 12 Harry W Swainston
Harry W. Swainston
4040 Hobart Rd.
- 13 Carson City, NV 89703-
- 14 Louis S Test
Hoffman, Test, Guinan & Collier
- 15 429 W. Plumb Ln.
P.O. Box 187
- 16 Reno, NV 89504-
- 17 Walker Lake Water Dist. G.I.D.
175 Wassuk Way
- 18 Walker Lake, NV 89415

- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Roberta G. Dunn